

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAGATHER ANN NELSON,)
Plaintiff,)
v.) 3:07-CV-1007-M
CITY OF DALLAS POLICE OFFICERS)
A. NORDYKE and M. JAMAICA,)
Defendants.)

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Paul D. Stickney. The District Court has reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Defendant Nordyke's Motion for Summary Judgment is granted and Plaintiff's claims against Defendant Nordyke are dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), until *Heck* conditions are met.

Defendant Jamaica's Motion for Summary Judgment is granted with respect to Plaintiff's claims for wrongful detention, wrongful arrest, and corresponding state law claims. Those claims are dismissed as *Heck*-barred, until *Heck* conditions are met. Defendant Jamaica's Motion for Summary Judgment is denied with respect to Plaintiff's § 1983 claim for excessive force during an arrest and pendent state law claims for assault and battery.

SO ORDERED this 10th day of March, 2009.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS